

EXHIBIT F

SETH MACFARLANE

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOURNE CO.,

Plaintiff,

vs.

TWENTIETH CENTURY FOX FILM

CORPORATION, FOX BROADCASTING

COMPANY, TWENTIETH CENTURY FOX

TELEVISION, INC., TWENTIETH

CENTURY FOX HOME ENTERTAINMENT,

INC., FUZZY DOOR PRODUCTIONS,

INC., THE CARTOON NETWORK, INC.,

SETH MAC FARLANE, WALTER MURPHY,

Defendants.

COPY

No. 07 CIV. 8580 (DAB)

DEPOSITION OF

SETH MACFARLANE

TAKEN ON

MONDAY, MARCH 10, 2008

Reported by:

Daryl Baucum, RPR, CRR, CBC, CSR No. 10356

SETH MACFARLANE

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1 Q. Can I have Exhibit 10, please.
 2 I would like to show you a document I have
 3 marked as Exhibit 10. For the record, it is a document
 4 that was produced by defendants in discovery at FOX 6
 5 through FOX 7.
 6 (Plaintiff's Exhibit 10 was
 7 marked for identification.)
 8 BY MR. FAKLER:
 9 Q. Can you tell me what this document is?
 10 A. It looks to me like the original story synopsis
 11 for the first incantation of the episode.
 12 Q. Now, does this synopsis have a little more
 13 detail than the initial story idea that you just
 14 discussed with me?
 15 A. Yes.
 16 Q. So at this point, the point when this document
 17 was made had the story been flushed out a little bit
 18 more?
 19 A. Yes.
 20 Q. And did anybody work with you to flush it out
 21 to this point of the pitch?
 22 A. Yes.
 23 Q. Who did that?
 24 A. Our writing staff.
 25 Q. The entire writing staff or --

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1 A. I don't recall if it was the whole staff.
 2 Q. Do you remember any people in particular who
 3 were involved?
 4 A. Yes.
 5 Q. Who were they?
 6 A. Rickey Blitt, David Zuckerman. Anything else
 7 would be hazy memory to guess work.
 8 Q. And is this an accurate description of what the
 9 story consisted of at that point?
 10 A. Yes.
 11 Q. Was there a title at this pitch stage yet?
 12 A. I recall that there was.
 13 Q. Would you have any idea why it wasn't reflected
 14 in this document?
 15 A. No.
 16 Q. And what was the title?
 17 A. I can't say for certain. I believe it was when
 18 you wish upon a Weinstein.
 19 Q. What was the inspiration -- what was the
 20 inspiration for the story idea?
 21 A. One of my Jewish friends pointed out to me at
 22 one point that I was calling him every time I went to
 23 make a purchase, whether it be a car or a fax machine,
 24 whatnot. And it occurred to me that I had in fact been
 25 bringing a Jewish person with me whenever I went to make

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1 a purchase of any magnitude and I thought what a funny
 2 idea for, you know, a -- you know, for Peter that he has
 3 this in a sense reverse bigotry that he sort of turns
 4 the Archie Bunker thing on its ear and that he would in
 5 fact view a Jewish person as something he just can't
 6 live without.
 7 Q. And so that was the theme of the episode?
 8 A. Yes.
 9 Q. Now, after this -- and I take this was for a
 10 pitch? It wasn't yet decided whether or not this was a
 11 story you were going to run with?
 12 A. This was -- I believe it was -- I don't know
 13 precisely what the document -- you know, what the
 14 document is from, but this is the initial pitch that we
 15 pitched to the studio and the network.
 16 Q. And did they have -- what role did they have in
 17 selecting whether or not this story would go forward at
 18 that point?
 19 A. They to a limited extent have -- well, I mean
 20 technically, they have yeah or nay power, but generally,
 21 they don't exercise it if it's something that we are --
 22 you know, that we are interested in doing, but every
 23 story has to be pitched to them.
 24 Q. And at the top here where it says this story
 25 will be written by Ricky Blitt, did you decide that the

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1 story should be written by diction?
 2 A. No.
 3 Q. Who decided that?
 4 A. David Zuckerman.
 5 Q. And do you know why he decided that?
 6 A. At the time, I was brand new. He was the
 7 experienced show runner who was assigned to work with
 8 me, and he was responsible for the rotation of writers
 9 as far as when they got scripts.
 10 Q. Now, is it fair to say that after a certain
 11 time this story concept got expanded and changed?
 12 A. Yes.
 13 Q. And who was involved in that process who
 14 participated in that process?
 15 A. The whole writing staff.
 16 Q. Were you involved, as well?
 17 A. Yes.
 18 Q. And are you -- why don't you tell me, you know,
 19 all of the things that you do in connection with "Family
 20 Guy".
 21 A. My title is executive producer and for me, what
 22 that entails is approving story pitches, sometimes
 23 helping to break stories, working with the writers room
 24 on rewrites of drafts, doing voice over, drawing,
 25 revising story boards, editing audio tracks and visual

4 (Pages 13 to 16)

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1 will still be opportunity but it's very rare.
 2 Q. And how about mix?
 3 A. Mix is when we have all the sound elements, as
 4 well. We have the sound effects and orchestra and any
 5 looping that we need to do, and it's the last stage
 6 before -- that I am involved with before air.
 7 Q. Now, is there a process during this production
 8 schedule where you have to submit a script to Fox for
 9 approval?
 10 A. Yes.
 11 Q. And what types of approval do you have to get
 12 from Fox?
 13 A. We have to get -- well, script approval to an
 14 extent.
 15 Q. And is there a particular division that you
 16 submit it to?
 17 A. Yes.
 18 Q. Which division is that?
 19 A. The comedy division.
 20 Q. Do you also have to submit to standards and
 21 practices?
 22 A. Yes.
 23 Q. Is that within comedy division or is that a
 24 different approval process?
 25 A. Different approval process.

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1 Q. What sorts of thing do the comedy review the
 2 script for?
 3 A. Generally, to make sure that the story is
 4 tracking, that the viewer is invested in the story from
 5 beginning to middle to end -- to a lesser extent
 6 whether -- you know, whether the jokes are working but
 7 they leave that more up to us.
 8 Q. And what sorts of things does standards and
 9 practices review for?
 10 A. They -- anything that's inappropriate for
 11 broadcast.
 12 Q. Can you tell me what point in the production
 13 schedule, do you first have to submit to standards and
 14 practices?
 15 A. Generally, when the first table draft is --
 16 immediately following the table read. Occasionally if a
 17 story is sensitive in nature, we will let them in on it
 18 earlier.
 19 Q. When did you submit the script for the
 20 Weinstein episode?
 21 A. Immediately following the table read. Usually,
 22 there is a standards and practices representative at the
 23 table read. So they just do it there.
 24 Q. Do you remember who from standards and
 25 practices was at the table read for Weinstein?

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1 A. I believe it was Linda Shima-Tsuno.
 2 Q. And is she the one who you submitted the first
 3 draft of the script to?
 4 A. Her department.
 5 Q. And who from the "Family Guy" production team
 6 actually interfaces with Linda to submit the script?
 7 A. Who hands it to her?
 8 Q. Yeah, who gets it to her?
 9 A. A courier.
 10 Q. Who gives it to the courier?
 11 A. Generally, a PA, and that person is given the
 12 script by -- I am not sure I understand what you are
 13 asking.
 14 Q. I am saying who is the top decision maker who
 15 sets this chain of events in motion to eventually get
 16 the script to standards and practices?
 17 A. At the time, it would have been David
 18 Zuckerman.
 19 Q. And what was your involvement in the approval
 20 process, the standards and practices approval process
 21 for Weinstein?
 22 A. At the time, it was a little different than it
 23 is now. As I recall, David primarily dealt with
 24 broadcast standards. If there was something that I
 25 really wanted, he would fight for it, but generally, he

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1 would -- you know, he would do it on his own. We would
 2 talk beforehand and decide what we thought were, you
 3 know, the funniest jokes and whatnot and then we would
 4 call them.
 5 Q. What was Fox's reaction after you submitted the
 6 first version of the script to standards and practices
 7 for the Weinstein episode?
 8 A. Extreme anxiety, I suppose would be the
 9 response.
 10 Q. And what were they anxious about?
 11 A. The content.
 12 Q. What parts of the content -- what were their
 13 main objections?
 14 A. They were worried that some of the comedy would
 15 be viewed as offensive.
 16 Q. Which parts of the comedy?
 17 A. Usually, it's most of the show, but in this
 18 instance, they were particularly concerned about the
 19 elements relating to the Jewish story.
 20 Q. And which elements?
 21 A. The fact that Max Weinstein was being portrayed
 22 as God-like and somehow different from the average
 23 person.
 24 Q. Did they request any changes?
 25 A. Yes.

6 (Pages 21 to 24)

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1 Q. What kinds of changes did they request?
 2 A. Generally, it was to make it more acceptable
 3 for broadcast on a network.
 4 Q. And which ways -- what sorts of things did they
 5 feel would make it more acceptable?
 6 A. They were looking for ways to make it less
 7 sensitive to the Jewish community.
 8 Q. Do you remember any of the ways that they
 9 proposed making it more sensitive?
 10 A. That would have been on one of their memos
 11 specifically. No, I don't remember.
 12 Q. Was the approval process with standards and
 13 practices for the Weinstein episode, did that take
 14 longer than typical for a "Family Guy" episode?
 15 A. Yes.
 16 Q. And would you say that the approval process was
 17 more difficult than the typical process?
 18 A. Yes.
 19 Q. For the "Family Guy"?
 20 A. Yes.
 21 Q. Do you believe the message of the episode is
 22 antisemitic?
 23 A. No.
 24 Q. And therefore, it wasn't intended to be
 25 antisemitic?

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1 A. It was not intended to be antisemitic.
 2 Q. And does the message have an overall message or
 3 theme?
 4 A. At the end, Peter learns the lesson that
 5 everyone is more or less the same and no group of people
 6 is better or worse than any other.
 7 Q. In going back and forth with standards and
 8 practices, did you give Linda any particular
 9 justifications for the content that they were objecting
 10 to?
 11 MR. ZAVIN: Objection; only I think he
 12 testified that David Zuckerman is the one who had the
 13 contact with Linda.
 14 When you say "you," do you mean him personally?
 15 BY MR. FAKLER:
 16 Q. Did you ever have any contact with Linda?
 17 A. Yes.
 18 Q. So and you also discussed -- I believe you
 19 testified earlier that you and David discussed any of
 20 the discussions that he would have with Linda based on
 21 her comments; isn't that correct?
 22 A. As I recall, that was something we did for the
 23 most part, not for every episode, but for the most part.
 24 Q. So are you aware of any justifications that you
 25 or David gave to Linda for these items elements that she

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1 was objecting to?
 2 A. I don't recall specifically, only generally.
 3 Q. What were they generally?
 4 A. That it's satire, it's -- you know, a spoof on
 5 certain less enlightened cultural views.
 6 Q. So was the point of it to, you know, hold up
 7 bigotry and antisemitism to ridicule?
 8 Is that a fair characterization?
 9 A. Yes.
 10 Q. Could I have Exhibit 11, please.
 11 I would like to you take a look at this
 12 document I have premarked as Plaintiff's Exhibit 11. It
 13 was a document that was produced in discovery at FOX 8
 14 (Plaintiff's Exhibit 11 was
 15 marked for identification.)
 16 BY MR. FAKLER:
 17 Q. If you take a look at this, can you tell me
 18 what it is?
 19 A. This is a memo to our production offices from
 20 Fox broadcast standards.
 21 Q. And this is from Linda Shima-Tsuno?
 22 A. Correct.
 23 Q. She is the person you mentioned before?
 24 A. Yes.
 25 Q. And this was sent to you and David at the

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1 "Family Guy"?
 2 A. Yes.
 3 Q. Are these the sorts of memos you were
 4 describing before that she would write and give you the
 5 specific objections?
 6 A. Yes.
 7 Q. And do you know what role she played
 8 specifically within Fox with respect to the approval
 9 process for the Weinstein episode?
 10 A. She was the broadcast standards executive
 11 assigned to "Family Guy".
 12 Q. Did you get along well with Linda when she was
 13 working on "Family Guy"?
 14 A. Yes.
 15 Q. Had a productive relationship?
 16 A. Yes.
 17 Q. She is scheduled to talk to us later this week.
 18 Have you spoken to her recently?
 19 A. No.
 20 Q. Do you know what she is doing now?
 21 A. I don't.
 22 Q. Now, in the top line, the subject line of this
 23 letter, it refers to table draft 31799.
 24 What is that referring to?
 25 A. That would refer to the draft that we read at

7 (Pages 25 to 28)

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1 Q. Can I have Exhibit 21, please.
 2 This document is marked as Plaintiff's
 3 Exhibit 21. It was produced in discovery as FOX 24.
 4 (Plaintiff's Exhibit 21 was
 5 marked for identification.)
 6 BY MR. FAKLER:
 7 Q. Can you tell me what this document is?
 8 A. This is a memo from Fox broadcast standards.
 9 Q. And who is Kevin Spicer?
 10 A. He was another broadcast standards executive
 11 assigned to our show.
 12 Q. On the second paragraph it says,
 13 "In the 'I need a Jew'
 14 song, we will air the alternate
 15 version with the revised lyric, 'I
 16 don't think they killed my Lord.'
 17 Do you recall talking to Kevin Spicer about
 18 that change?
 19 A. No.
 20 Q. It also references a change to Quagmire
 21 searching for his keys.
 22 Were these two changes actually made in the
 23 version that was broadcast by Fox?
 24 A. They were.
 25 MR. FAKLER: Would it be okay if we took a

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1 break.
 2 MR. ZAVIN: Sure.
 3 (Off the record.)
 4 BY MR. FAKLER:
 5 Q. From its inception, did the Weinstein episode
 6 always contain the "I Need a Jew" song?
 7 A. No.
 8 Q. When was the first point at which the song was
 9 added to the episode?
 10 A. It was in the draft that subsequently -- while
 11 there were joke changes and little story changes made,
 12 it was essentially the draft that would ultimately air.
 13 Q. But was it in the table version?
 14 A. In the second table version.
 15 Q. And who came up with the idea for the song?
 16 A. I don't remember. It was conceived in the
 17 group -- in the writer's room environment. I don't know
 18 whether it was one person or a group effort. I just
 19 don't remember.
 20 Q. Were you -- did you come up with the idea for
 21 the song?
 22 A. I don't remember.
 23 Q. At the point where the song was first
 24 conceived, was it lyrics only or lyrics and music?
 25 A. As far as conceived?

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1 Q. The first time somebody had the idea to add the
 2 song to the episode.
 3 A. We had planned to use lyrics and music, yes.
 4 Q. And did you have particular music in mind at
 5 that stage?
 6 A. We did.
 7 Q. And what was the idea for the music?
 8 A. At the time, we wanted to do -- we wanted to do
 9 a song that was a parody of "When You Wish Upon a Star."
 10 Q. So musically, you wanted to use music -- when
 11 you say "parody," do you mean that you wanted --
 12 musically you wanted it to be similar to music "When You
 13 Wish Upon a Star"?
 14 A. Initially, we wanted to use the actual melody.
 15 Q. When did that change?
 16 A. When the clearance was denied.
 17 Q. And who requested the clearance to use "When
 18 You Wish Upon a Star"?
 19 A. At the time, that would have gone through Ken
 20 Dennis' office. I don't remember in that instance. I
 21 believe he was the one responsible for pushing for
 22 dealing with the clearance.
 23 Q. And who was Mr. Dennis?
 24 A. He was our line producer.
 25 Q. Right. Okay.

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1 And do you remember at what point in the script
 2 stage that clearance was denied?
 3 A. Somewhere between the table draft and the
 4 record.
 5 Q. Prior to the clearance being denied -- let me
 6 take a step back.
 7 Who would have been involved in actually
 8 producing the music part of the song, writing it?
 9 A. At which?
 10 Q. Let's say at the beginning, at the beginning
 11 phase.
 12 A. The music track would have been produced by, in
 13 this case, Walter Murphy.
 14 Q. And when was the first time that you got Walter
 15 Murphy involved in the "I Need a Jew" song?
 16 A. Immediately following the lyrics that were
 17 written.
 18 Q. So prior to the clearance being denied?
 19 A. That, I don't remember. Occasionally, he would
 20 do a temp track for us to have on hand but...
 21 Q. So when you wrote the lyrics to "I Need a Jew,"
 22 were the lyrics written prior to the clearance being
 23 denied?
 24 A. Yes.
 25 Q. So those lyrics were written to essentially the

12 (Pages 45 to 48)

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1 actual tune of ""When You Wish Upon a Star"" as far as
2 the structure of the lyrics?

3 A. Yes.

4 Q. After the clearance was denied, how did that
5 change your plans for the music for the song?

6 A. We decided that we still wanted to do the
7 parody. And so we decided to proceed but with a
8 different melody that evoked the original.

9 Q. And who came up with that melody?

10 A. Walter Murphy.

11 Q. Did you -- who gave this assignment to Walter
12 Murphy to make these changes?

13 A. That would have been David and I.

14 Q. And what did you say to Mr. Murphy the first
15 time that you asked him to do that?

16 A. I don't recall exactly what I said to him but
17 the instructions were to do a something that was not
18 ""When You Wish Upon a Star"" but would evoke that song.

19 Q. Was Walter Murphy the only one who contributed
20 to the musical side of the song?

21 A. At that stage, yes.

22 Q. At any other stage did other people contribute?

23 A. Well, I mean the orchestra played it
24 eventually, but as far as the composition stage, yes.

25 Q. And who was involved in writing the lyrics?

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1 A. It was done by a group of writers. I don't
2 recall specifically which group. It was a long time ago
3 but there were -- there was a group of writers from our
4 staff that were assigned to this task.

5 Q. And so it was jointly written with all of these
6 folks?

7 A. Yes.

8 Q. Now, I have seen in various places, for
9 example, on pieces of sheet music that we have received
10 in connection with the case, Ricky Blitt's name is
11 attributed to the lyrics.

12 Do you know was he involved in writing the
13 lyrics?

14 A. I don't believe he was, no.

15 Q. And how about you, were you personally involved
16 in writing the lyrics?

17 A. I don't remember being directly involved in the
18 writing of them but I can't say for sure. I had to
19 approve them at the end of the day and I may or may not
20 have been involved with the actual writing of them.

21 Q. But would it be fair to say that if you were
22 involved, it was sort of at the editorial level of
23 making changes or approving as opposed to writing the
24 lyrics in the first place?

25 A. Yes.

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1 Q. Is the song meant to be antisemitic?

2 A. No.

3 Q. What does the song make fun of?

4 A. The song makes fun of a number of things. I
5 mean it -- our version makes fun of the very saccharin,
6 sweet tone of the original song. It's certainly one of
7 the most overtly sweet, wholesome songs ever written and
8 we were making fun of that.

9 We were -- aside from that, you know,
10 satirizing, you know, bigotry and people like Peter
11 Griffin, but we had also discussed at some point in the
12 room the -- that the song would be making, you know --
13 also serves as kind of a way to poke fun at Walt
14 Disney's reputation as an antisemite.

15 Q. Were there any other things that the song was
16 making fun of?

17 A. I mean there are, I suppose, different levels
18 of interpretation within those points but that was --
19 that was our intent.

20 Q. That's all of the categories of things you were
21 making fun of?

22 A. Uh-huh.

23 Q. Of these four targets, if you will, that you
24 have identified of the satire making fun, are any of
25 them more dominant than the other, more important to the

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1 joke?

2 A. I think they're about equal. I mean that --
3 you know, I think something that can be interpreted
4 differently by each writer that was involved with the
5 episode.

6 Q. Do you think any of those four are more obvious
7 to the audience?

8 A. Again, it depends on the audience member.

9 Q. Your typical audience member.

10 MR. ZAVIN: Objection; I'm not quite sure --

11 MR. FAKLER: You can answer the question.

12 THE WITNESS: I mean I was -- you know -- if I
13 didn't do the show, I would be a fan of these types of
14 shows. I was a fan of the Simpsons for a number of
15 years and, you know, I would say that there -- I would
16 say probably there -- I don't know. The one that -- if
17 I had to pick one that probably would be the most
18 instantly obvious, it would be making fun of, you know,
19 the sort of diabetically sweet nature of the song.

20 BY MR. FAKLER:

21 Q. You think that's more obvious to the average
22 "Family Guy" viewer than making fun of Peter or making
23 fun of the stereotypes?

24 A. I couldn't say. Our viewership is fairly
25 broad. I mean within our key demographic, I would say

13 (Pages 49 to 52)

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1 that I would hope they would pick up on all of those
2 things.

3 Q. Turning first to Peter as being a target of the
4 joke, of the humor of the song, how exactly is the song
5 making fun of Peter?

6 A. It's exposing his sort of backward bigotry.
7 It's making fun of his tendency to, you know, be sort of
8 a simpleton and to kind of put people into -- you know,
9 he is an ignorant guy with a tendency to put people into
10 categories based on stereotypes. And in this instance,
11 we were making fun of the fact that he does this in kind
12 of an upside down, you know, hopefully fresh way.

13 Q. And does the performance usually make fun of
14 Peter and his beliefs?

15 A. Yes.

16 Q. Are Peter's views usually meant to be taken
17 seriously in the series?

18 A. I would certainly hope not. No, they're not.

19 Q. During the standards and practices process, did
20 you ever discuss this justification for the song with
21 Linda or anybody else at Fox?

22 MR. ZAVIN: Objection as to what "this
23 justification."

24 MR. FAKLER: This justification of making fun
25 of Peter as a justification for the song.

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1 MR. ZAVIN: And objection; I'm not sure he
2 testified he ever talked to Linda.

3 MR. FAKLER: He actually did testify that he
4 has at least on one or two occasions talked to Linda.

5 MR. ZAVIN: I don't think he testified he
6 talked to Linda about this, but if he can answer it, he
7 is welcome to do it.

8 THE WITNESS: We did at some point discuss with
9 broadcast standards the fact that this was coming from a
10 character who -- you know, whose views are not
11 necessarily to be taken -- are not to be emulated.

12 BY MR. FAKLER:

13 Q. And is one of the purposes of the targets of
14 the joke is bigotry in general?

15 A. Uh-huh.

16 Q. Would the audience get that joke in the same
17 way as is that really an extension of the joke on Peter?

18 A. I believe they would.

19 Q. And, again, that was something that was
20 discussed with standards and practices as a reason to
21 justify the content of the joke?

22 A. Was his?

23 Q. Making fun of bigotry and antisemitic or rather
24 Jewish stereotypes.

25 A. Yes.

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1 Q. Separate and apart from just Peter?

2 A. Well, the fact that Peter is who he is, you
3 know, you can't really separate that, but that was -- I
4 mean that was something that was discussed, the
5 satirical nature of the song as it relates to -- you
6 know, as it relates to Peter -- I mean Brian wouldn't
7 sing that version of the song.

8 Q. Now, turning to the making fun of the saccharin
9 nature of "When You Wish Upon a Star," how exactly does
10 the song make fun of that?

11 A. Well, it takes it and turns it upside down. I
12 mean it takes an aggressively sweet tune -- song, and
13 turns it on its ear and puts a spin on it that is most
14 certainly not sweet or saccharin.

15 Q. And how does it do that?

16 A. By -- with a set of lyrics that are
17 substantially edgier, to say the least, than the
18 original.

19 Q. Is there any other way that "I Need a Jew"
20 makes fun of the original "When You Wish Upon a Star"?

21 A. I have hit on the key satirical points that we
22 were making.

23 Q. Are there any other specifically, though, with
24 making fun of "When You Wish Upon a Star"?

25 A. Not that I recall that we have intended.

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1 Q. Were there any unintended?

2 A. I suppose the lyric "makes no difference who
3 you are" would be one you can point to.

4 Q. How does that make fun of "When You Wish Upon a
5 Star"?

6 A. Because with Walt Disney, I think maybe it did
7 make a difference of who you are.

8 Q. And that ties into the other point?

9 A. Yes.

10 Q. The antisemitism point.

11 A. Correct.

12 Q. But that wasn't intended.

13 A. That particular lyric?

14 Q. Yes.

15 A. No, we didn't at the time lock in on that.

16 Q. In dealing with standards and practices, was
17 this justification, "this justification" being making
18 fun of "When You Wish Upon a Star", was that ever
19 discussed with Fox as a justification for the song?

20 MR. ZAVIN: Objection; you are assuming this
21 may be true but you haven't asked that, if there was any
22 discussion specifically related to Fox to justify the
23 song. His previous testimony has been with respect to
24 the episode, not the song.

25 MR. FAKLER: Could you, please, read back the

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1 question.

2 (The previous question was read back
3 by the court reporter as follows:

4 "QUESTION: In dealing with
5 standards and practices, was this
6 justification, "this justification"
7 being making fun of "When You Wish
8 Upon a Star", was that ever discussed
9 with Fox as a justification for the
10 song?")

11 THE WITNESS: That, I don't remember.

12 BY MR. FAKLER:

13 Q. You don't have a specific recollection of that
14 being put forward to them?

15 A. They -- they wouldn't have been involved
16 with -- their concern was not whether the song -- you
17 know, the issues relating to the song, itself. Their
18 issues were content. And that -- no, that was not --
19 I don't remember, but that's not a conversation that
20 would have come up with them.

21 Q. So as far as you know, that conversation never
22 came up.

23 A. Not that I remember.

24 Q. Okay. As far as Walt Disney's reputation as an
25 antisemite, how exactly does the song make fun of his

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1 reputation?

2 How does the song "I Need A Jew" make fun of
3 his reputation?

4 A. Well, I mean that song is the anthem for the --
5 I assume willingly so for the Disney Corporation. And
6 it's sort of a great irony that Walt Disney, himself,
7 you know, has this reputation as an antisemite. And I
8 mean the simplest terms, that's -- that would be my
9 answer.

10 It's -- that song is synonymous with Disney in
11 many, many ways, and, you know, the song from Peter's
12 point of view takes a very -- while not necessarily --
13 you know, part of the joke was to take the idea of
14 bigotry, and in this case antisemitism, and turn it on
15 its ear. He still subscribes to a stereotype about
16 Jewish people, and obviously, in the minds of viewers,
17 hopefully any stereotype is negative.

18 So from Peter's point of view, it is in his
19 backward way, I suppose you could say, antisemitic, but
20 in the simplest terms, this is the anthem for Walt
21 Disney. Walt Disney, you know, has this reputation of
22 being an antisemite and the song by -- you know, by
23 making fun -- by making fun of that -- well, makes fun
24 of that through Peter.

25 Q. But where is the link to Walt Disney, the

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1 individual, in the song?

2 A. Well, the song, itself, as the anthem for -- I
3 mean "When You Wish Upon a Star," when you hear that you
4 think Disney.

5 Q. Do you think the Disney Company or do you think
6 Walt Disney, the individual?

7 A. I mean either/or. I mean most likely you
8 think -- I don't know. I am not sure. That would
9 depend on the individual.

10 Q. What do you think?

11 A. When I hear the song?

12 Q. Yeah. Do you think the Walt Disney Company?

13 A. Yeah, I think of the Walt Disney Company.

14 Q. Do you believe that the public widely perceives
15 the Walt Disney Company as being antisemitic?

16 A. I mean I remember living back in Connecticut
17 before I came out here -- I mean I had heard that rumor,
18 you know, when I was young.

19 Q. That the Walt Disney Company was antisemitic?

20 A. That Walt Disney was an antisemite.

21 Q. I am talking specifically now about the Walt
22 Disney Company.

23 Have you heard rumors that the Walt Disney
24 Company was antisemitic?

25 A. No. A lots of the animators call it

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1 "mousewitz" but I mean -- no, I mean as far as --

2 Q. The company itself?

3 A. -- their practices?

4 Q. Right.

5 A. I mean I know nothing about that.

6 Q. So as far as the "I Need A Jew" song and
7 commenting on Walt Disney, the man's, antisemitism, how
8 exactly does the audience get that joke?

9 A. Well, with regard to the Disney Corporation, I
10 mean the man was the company in so many ways. I mean
11 his name is on everything, his signature is on
12 everything, Walt Disney. If you want to point to one of
13 the most visible heads of a company -- I mean he was
14 that company. I mean the Disney Corporation has his
15 name on it. And you know, they have this very wholesome
16 reputation, but looking back, it's kind of ironic that
17 it started with a guy whom they all revere who was --
18 who had a spotty reputation in this regard.

19 Q. And what do you base your belief on that
20 reputation on?

21 A. I could say common belief.

22 Q. What do you mean by "common belief"?

23 A. Well --

24 Q. Are you saying it's just something you heard
25 from time to time?

15 (Pages 57 to 60)

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SETH MACFARLANE

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1 A. Yeah, you know, like saying J. Edgar Hoover was
2 a cross dresser. It's just something that is in the
3 ether of pop culture.

4 Q. And do you know -- when was the last time Walt
5 Disney, the man, was the head of the Walt Disney
6 Company?

7 Do you know when that stopped?

8 A. I don't.

9 Q. What does the audience have to know in order to
10 get that joke out of the "I Need A Jew" song?

11 A. They have to know that -- they have to be aware
12 of this -- of this piece of -- they have to be aware of
13 the common pop cultural belief that Walt Disney was an
14 antisemite.

15 Q. They have to bring that to the song, right,
16 because it's not explicitly referenced anywhere in the
17 song, is it?

18 A. No.

19 Q. Do they have to also bring to the song an
20 association of the song with Walt Disney, the
21 individual?

22 A. In order to get that joke, yeah.

23 Q. On other occasions you have made fun of Walt
24 Disney's -- this rumor of Walt Disney's antisemitism,
25 have you not?

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1 A. Yes.

2 Q. How have you done that in other instances?

3 A. There was -- there was a cut-away gag in which
4 Walt Disney, referring to the less -- less reputable
5 rumor I think that his body was cryogenically frozen --
6 there is a gag in which it's 30 years from now and they
7 open his cryogenic suspension chamber and he sits up and
8 says "Are the Jews gone yet," and the doctor says "no"
9 and he says, "Put me back in."

10 Q. Have you done it on any other occasions?

11 A. That's the -- by "it" you mean?

12 Q. Making a reference in a joke about Walt
13 Disney's alleged antisemitism?

14 A. That's the only other instance.

15 Q. Did you ever discuss this target of the joke,
16 Walt Disney's antisemitism, with -- did you or David, to
17 the extent you are aware of it, ever discuss this
18 justification with Fox with respect to, you know, that
19 being the target of the joke during the standards and
20 practices?

21 A. No.

22 Q. Did you ever discuss that purpose for the joke
23 with anyone else?

24 A. Yes.

25 Q. With whom?

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1 A. At some point it was discussed in the -- within
2 the writers room.

3 Q. And what point was that?

4 A. As we were -- I mean at some point during or
5 after the song was written, it was discussed in the
6 writes room that this is -- you know, this is kind of an
7 ironic subtext that hopefully enriches the parody.

8 Q. Do you remember whether it was during or after
9 the time that the lyrics were written?

10 A. I believe it was after. I mean -- I am sorry.

11 Let me go back. It was -- it was during or after. I
12 don't know. I can't give you a specific answer.

13 Q. Do you remember the specific conversation?

14 A. I don't. I remember generally there being some
15 discussion that this was -- that because of the nature
16 of this episode, it was a nice, little ironic twist that
17 this -- you know, we were using that -- that we were,
18 you know, doing a joke on this song.

19 Q. And as far as the purpose of making fun of the
20 saccharin nature of the original, did you ever discuss
21 that with anyone else?

22 A. Not that I remember. I mean -- you mean
23 outside the writers room?

24 Q. Let's start with outside the writers room,
25 sure.

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1 A. I don't remember.

2 Q. You don't recall a specific conversation?

3 A. No.

4 Q. How about within the writers room?

5 A. Within the writers room, you know, by the very
6 nature of what we were doing -- I don't remember
7 specifically what was said, but, you know, there was
8 something that absolutely came up.

9 Q. And do you recall when, at what point in the
10 writing process?

11 A. No, but I mean it's -- this is a show that
12 puts, you know, twisted spins on a lot of sacred cows
13 and, you know, that always comes up.

14 Q. After Fox decided to release the DVD -- we
15 discussed earlier that there is a commentary track that
16 goes along with this episode.

17 A. Uh-huh.

18 Q. Are you aware of that?

19 A. Uh-huh.

20 Q. Have you ever listened to that commentary
21 track?

22 A. I recorded it. I don't believe I have ever
23 listened to it but I can't remember.

24 Q. And how did that commentary track come about?

25 A. It's standard practice for us to do audio

16 (Pages 61 to 64)

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